IN THE HIGH COURT OF JUDICATURE OF ANDHRA PRADESH
AT HYDERABAD

FRIDAY, THE THIRTIETH DAY OF JANUARY
TWO THOUSAND AND FOUR
:PRESENT:

THE HON'BLE DR JUSTICE **MOTILAL B. NAIK**
AND
THE HON'BLE MR JUSTICE: **DALAVA SUBRAHMANYAM**

WRIT PETITION NO : 1651 of 2004

Between:

Rajarajeswara Par Boiled Rice Industries & Exports Ltd., being represented by its Managing Director, Pothuganti Ramesh, Komarabanda (V), Kodad (M), Nalgonda District, A.P.

AND

1 Commercial Tax Officer, Kodad Circle, Mallika Towers, Vijayawada Road, Kodad - 508 206, Nalgonda District, A.P.
2 Food Corporation of India, being represented by its District Manager, Ramgiri, Nalgonda, Nalgonda District, A.P.

Respondents

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to issue a order or directions more particularly one in nature of writ of Mandamus declaring the impugned notice in ref. No. A3/152/2001, dated 20.01.2004 issued by the 1st respondent U/s. 17 of the APGST Act is illegal, arbitrary and contrary to the provisions of Section-19 of the APGST Act and also contrary to the principles of natural justice and set aside the same, consequently direct the respondents not take any steps for recovery of the disputed taxes mentioned in the impugned notice in the interest of Justice.

The petition coming on for hearing, upon perusing the petition and the affidavit filed in support there of and upon hearing the arguments of Mr. K. Durga Prasad, Advocate for the Petitioner and of the Govt. Pleader for Commercial Taxes, for the Respondent No.1, and of Mr. B. Anjaneyulu, Advocate for the petitioner No.2, and the Court made the following

ORDER

"Post on 3-2-2004 for admission.

Meanwhile learned G.P. to obtain instructions in the matter. Pending admission, the impugned notice dt. 20-1-2004 shall not be given effect by the respondents for a period of two weeks."

ASSISTANT REGISTRAR

// TRUE COPY //

for ASSISTANT REGISTRAR

To

1 The Commercial Tax Officer, Kodad Circle, Mallika Towers, Vijayawada Road, Kodad - 508 206, Nalgonda District, A.P.

2 The District Manager, Food Corporation of India, Ramgiri, Nalgonda, Nalgonda District, A.P. (**1 and 2 BY RPAD**)

3. Two CCs to G.P. for Commercial Taxes, High court of A.P., Hyd (OUT)

4. One spare Copy

Drafted by: KK
Drafted on: 30-1-2004

HIGH COURT

DRMBNJ & DSMJ

DT. 30-1-2004

NOTE: POST ON 3-2-2004 FOR ADMISSION

ORDER

W.P.NO.1651 OF 2004

DIRECTION